

Message Text

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PAGE 01 BONN 00746 151754Z

43

ACTION OES-05

INFO OCT-01 EUR-12 ISO-00 L-03 ACDA-10 CIAE-00 INR-07

IO-11 NSAE-00 NSC-05 EB-07 NRC-07 FEAE-00 DODE-00

/068 W

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P R 151749Z JAN 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5671

INFO USMISSION EC BRUSSELS

ERDA GERMANTOWN

UNCLAS BONN 00746

DEPT FOR PROCHNIK, OES: PASS TO ERDA FOR MCDONOUGH,
ASAP

E.O. 11652: NA

TAGS: TECH, GW

SUBJECT: ERDA/BMFT FAST BREEDER AGREEMENT

REF: STATE 4868

1. SUMMARY: BMFT AMENABLE TO INCLUDING WORDS
"MADE OR CONCEIVED" AND TERM "DISCOVERED" IN AGREEMENT,
BUT EXPRESSED RESERVATION ABOUT CURRENT WORDING OF
PATENTS ARTICLE. END SUMMARY.

2. EMBASSY OFFICER MET WITH BMFT STAFF OFFICIALS
FROM LEGAL AFFAIRS AND INTERNATIONAL COOPERATION
SECTIONS TO URGE FRG ACQUIESCENCE IN ERDA POSITION
(REFTEL). BMFT ACCEPTED EXPLANATION OF WORDS
"MADE OR CONCEIVED". WHILE REJECTING EXPLANATION OF
WORD "DISCOVERED" ON GROUNDS THAT ITS INCLUSION IN
ATOMIC ENERGY ACT WAS NOT COMPELLING, AND THAT
NARROW APPLICATION OF TERM THAT HAS NO APPLICATION
IS LOGICALLY UNTENABLE, BMFT AGREED THAT FURTHER
DISCUSSION RE ITS INCLUSION OR EXCLUSION WAS NOT
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PAGE 02 BONN 00746 151754Z

WORTH PROLONGING NEGOTIATIONS. ON THIS BASIS, BMFT

AGREED TO ACCEPT WORD "DISCOVERED".

3. IN VIEW OF ERDA'S REJECTION OF BMFT'S PROPOSED AMENDMENT TO PATENTS ARTICLE AND AFTER LENGTHY DISCUSSION, BMFT OFFICIALS INDICATED THEY NEEDED SOME TIME TO CONSIDER WHETHER TO ACCEPT PRESENT LANGUAGE, OR SUBMIT ANOTHER PROPOSAL ON THIS ISSUE FOR ERDA'S CONSIDERATION. BMFT OFFICIALS AGREED TO CONTACT EMBASSY OFFICER WITHIN NEXT FEW DAYS.

4. DUPLICATE COPIES OF ENGLISH AND GERMAN LANGUAGE VERSIONS OF DRAFT AGREEMENT REQUESTED IN PARA 7 REFTEL, GIVEN TO SIEVERING (ERDA) BY EMBASSY SCIENCE COUNSELOR.

5. EMBASSY COMMENT: DAY FOLLOWING EMBASSY OFFICER'S DISCUSSIONS WITH BMFT STAFF OFFICIALS, CHIEF OF BMFT INTERNATIONAL COOPERATION SECTION INFORMED SIEVERING THAT BMFT FELT CONSTRAINED TO SUBMIT ALTERNATE PROPOSAL MODIFYING PATENTS ARTICLE, BUT THAT SUCH PROPOSAL WOULD BE PRIMARILY "FOR THE RECORD." BMFT WOULD NOT BE ADAMANT ON THIS POINT. SIEVERING FURTHER INFORMED THAT SAID PROPOSAL WOULD BE SUBMITTED WITHIN 8 TO 10 DAYS.
HILLENBRAND

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Message Attributes

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Margaret P. Grafeld
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